



Town Board Regular Meeting

Saturday September 8, 2018

This regular meeting was held at the Rondout Municipal Center and began at 9:00am

Present: Supervisor Rich Parete and Town Board members Joe Borzumato, Tim Sweeney, Don LaFera and Eric Stewart

Absent:

Also, Present: Joyce Cain; Deputy Town Clerk/Tax Collector, George Dimler; Highway Superintendent; Tom Konrad; Chairman ECC, Jodi LaMarco; Blue Stone Press, and Rod Bicknell; Shownagunk Journal

Supervisor Parete called the meeting to order at 9:00 am and Councilman Stewart lead the Pledge of Allegiance.

PUBLIC COMMENTS:

Supervisor Parete asked that those who signed up for public comment limit their comments to a couple minutes and asked that everyone please be respectful during public comment.

Kate Reese Hurd – Resident who handed out pamphlets and spoke about the health concerns about wireless WIFI and EMF's. She asked the town board to consider all of the information she has provided in her packets when they move forward with installing the new water meters. She has sent letters and packets of information to Senator Gillabrand and Senator Amedore's offices also.

Katherine Mykula – Resident who expressed opposition of the event space in residential areas. She thinks it is unlawful, unfair and unwanted. She sees no positive effect on the town.

Helene Kaufman – Resident who also opposes the event space. Very frustrated and it seems to keep going around and around. So many people are against it. What is the gain from it? We are going to lose. I'm going to lose money and no one is going to want to buy a house next to an event space or a farm that has concerts. Every weekend this is going to happen. Why is Marbletown wanting to push through this legislation? New Paltz and Rhinebeck, both bigger towns, are not allowing this. Rochester is and they are divided. The town is divided. We are not against the farmers, but they have money, they don't need to have special events. The whole thing does not make sense.

Supervisor Parete responded that Rhinebeck does allow special events in residential areas with a special use permit. The sub-committee met with their code enforcement officer and they do allow them with special use permits.

Jacob Sherman – Resident who agrees with the last two speakers. New Paltz does not allow special events even with a special use permit. In reference to the new website when was it decided upon to move ahead with the new company? He saw no votes had been taken on this topic. Mr. Sherman reached out to a couple of companies in Kingston and then realized it was too late and now he looks bad. *Supervisor Parete responded that there was a presentation at a town board meeting and it was discussed and agreed upon to go ahead with the*

new company. It takes about 3 months to build a new website and there will be a resolution on this subject. He felt he did not want our current website company to know about this and shut us down and then we would not have any website.

Susan Sprachman – Resident who has worked previously in public policy research. While looking for the impact of special events we have a natural experiment with the Crested Hen facility. Regulations were set upon them and approved. You can tell by all the letters and responses what impact Crested Hen has had on the area. Regarding noise, for instance Ms. Sprachman lives 5 miles from the Accord Speedway and some nights hears nothing but, on another night, it sounds like they are racing right in front of her house. So, with Crested Hen, houses to one side of the facility hears nothing, but on the other side it is very loud. We cannot ask farmers to be policemen at their barns and having to ask the party to turn the music down or shut the barn doors. There is also the money issue, the more events there are creates competition and pressure to up the quality. People want the best deal for their services. On the fire training center, there was an article in the Daily Freeman about the fire training facility in Ulster Landing and all the money that is being spent for the services. It is understood that people will have to travel, but it seems like a duplication. We'll have one in Ulster Landing and Walker Valley, why do we need 3 facilities?

Declan Denehan - Resident who has similar comments on event space.

Eric Krieger – Resident of many years and feels that the town board, specifically, has been dancing around this topic for a long time. Hears that the town is divided but it seems more like the town board is divided from the community and it seems that the town board has been publically silent on this issue and what he would like is for each town board member, Stewart, LaFera, Borzumato and Sweeney, to stand up and tell us if 'yes' they are in favor or 'no' they are not in favor of commercial event venues in Marbletown. *Supervisor Parete responded by saying this is not a venue of the town board meeting and we are all available to come into the office, by e-mail, or by cell phone, you can speak to everyone, but this is not the venue.*

Barry Spielberg – Resident who concurs with most of the comments on the event space. When we talk about event space, mostly we are talking about barns, the event space that maybe you can control the noise by shutting the doors whereas an event under a tent the noise can not be controlled. Very frustrated week after week watching the documents get changed. I have had to go up against the ZBA and they are very strict. Zoning infractions are not being corrected and why not?

Nancy Decker – Resident and member of this community who is very against event space in residential areas.

Casey Kurti – Resident who pointed out there were 2 letters in the Blue Stone Press by town board members. I would like to commend Councilman Stewart on his letter in the most recent edition of the Blue Stone Press and for standing up for the needs of the community. Hoping that we can move ahead and so appreciate hearing from a town board member and taking a stand and being articulate. We need to be upfront, open and public.

Ronnie Barnett – Resident who hopes we don't change the laws in residential areas in Marbletown. In the Blue Stone Press there are lots of letters of most of them are shared concerns about the Crested Hen, outside our area, and noise among other things. If the law is changed and the venues don't follow the law it will be hard to monitor.

Stephanie Rinza – Resident who is speaking for Economic Efficiency and impact statement on event space. The policing of this could cost us a loss of 2 million dollars in a good year and a possible loss of 4 million dollars in a bad year. Are we going to lose money? She is dead set against these event spaces in residential areas. On the Fire Training Center, she is the wife of a 911 responder and we all want to feel safe and training makes people safe. It has to be efficient training. Why train people where they can't make fire? We need to put the fire tower where it is an efficient use of space.

Supervisor Parete pointed out that the Fire Training Center is not a town project, this is a county project and the town does not have a say. Once the studies are done we'll get a report and then a decision will be made on how to proceed. We have to let them go through the process.

George Dimler – Resident, Highway Superintendent and member of the Stone Ridge Fire Department for 40 years. The thing with the training is it does not always involve fire. All the trucks today have clean running diesel and most equipment is electric power. If you have never volunteered you should give it a try. My family has paid the price for 40 years during my volunteering. I get home from work at 5:00pm, say hello to my family and then I'm out the door again to drive and get trained. Having a training facility centrally located is a very good thing. Please feel free to come down to the Stone Ridge Fire house on a night we are training.

Tom Konrad – Resident who was on the PZC last year when this law was first discussed and suggested the town needs to pass a noise ordinance law and once we get that we can move on to the other issues.

Councilman Borzumato pointed out that what we all need to know and remember is there is a process to these laws. Just like a couple years ago when the chickens and horse's topic was on the agenda. There is nothing to vote on yet, we have to make a law and then there is a public hearing. There is nothing hidden. Even if the law says no we won't have event spaces in residential areas, we have to go through the process. This board is more transparent then it has been in years.

Dan Makula – Resident who says there is a zoning law governing what can be done on properties. There is already a law that says what is allowed in commercial and what is allowed in residential.

Chris Silva – Resident who finds it incredible that there is a process for the Fire Training Center that we have to wait on but for the past 9 months there has been a very public process for event space. Supervisor Parete created a sub-committee and after five weeks of robust dialogue the sub committee meetings were shut down because the direction they were going in was not to the Supervisor's liking. If you want to make a law about commercial or agriculture districts then do it. We already have laws that do not allow these events in residential and the law, as it is, should stand.

Supervisor Parete said that the sub committee was not shut down, they met 2 weeks ago. They are supposed to be putting together their final document which will go the town board, the planning, the zoning and the PZC for comments and recommendations. We do not know where this law will go and I do support these events in business areas.

Laura Cunningham – Resident who has enormous respect for the fire fighters and realizes George Dimler has given a lot. But people that live close to the proposed Fire Training Center will have to put up with lights shining until 10:00pm, dump trucks and pollution from 3 – 5 trucks idling at a time. There was an open forum meeting. and it was shut tight, there were no public comments and it was manned by all the county people.

MEETING MINUTES:

Councilman Sweeney made a motion, seconded by Supervisor Parete to approve the meeting minutes from 8/21/18. 5-0 Aye, motion carried.

10:00am Councilman Borzumato left the meeting.

RESOLUTION# 67-2018 AUTHORIZING THE TOWN SUPERVISOR TO SIGN A LETTER TO CENTRAL HUDSON GAS & ELECTRIC CORPORATION TO CONVERT ALL STREETLIGHTS TO RATE A LEDS

The following Resolution was offered by Councilman LaFera, seconded by Councilman Sweeney:

WHEREAS, the Public Service Commission issued approval for Central Hudson to offer municipalities the

option to lease high efficiency Light Emitting Diode (LED) streetlights, and

WHEREAS, the Town of Marbletown has 52 streetlights with 36 being non-LED's, and

WHEREAS, LED Street Lights use less electricity and will save the Town of Marbletown on annual street light costs, and

WHEREAS, the conversion to full LED, Rate A lights will cost approximately \$5463.72, after a Central Hudson Rebate energy efficiency rebate the out of pocket cost to the town will be approximately \$3400, and

WHEREAS, the payback to the Town will be 12 to 13 months, and

NOW, THEREFORE BE IT RESOLVED, that the Town of Marbletown Town Board authorizes the Town Supervisor to execute the Agreement above on behalf of the Town of Marbletown.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato Voting Absent

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye

4-0; 1 Absent; Resolution #67-2018 was thereupon adopted.

RESOLUTION #68-2018; TO AUTHORIZE MUNICIPAL ENERGY SERVICES AGREEMENT WITH JOULE

The following Resolution was offered by Councilman LaFera, seconded by Councilman Sweeney:

WHEREAS, the Town Board of the Town of Marbletown enacted Local law No. 1 of the Year 2018 which is a Local Law to Establish a Community Choice Aggregation Program; and

WHEREAS, the Town of Marbletown seeks to explore CCA as a potential opportunity for energy consumers within the Town because of the potential benefits a CCA could produce for residential and small business owners through the market power of aggregation, and

WHEREAS, These potential benefits include the provision of 100% renewable electricity at stable prices which are likely to be below those charged by Central Hudson as the default electricity supplier, and the potential savings could be increased through the use of community solar credits and other energy services, and

WHEREAS, the NYSPSC Order Authorizing CCA's specifically states that municipalities are permitted to engage a third party CCA Administrator to assist in the development and implementation of a CCA program, including the solicitation and management of energy supply agreements for CCA customers; and

WHEREAS, Joule Asset Inc. (Joule) has gained the experience necessary to perform the services of CCA Administrator, having developed and successfully launched Westchester Power, which services more than 100,000 residential and small commercial customers in multiple municipalities providing energy savings through competitive public bidding of energy supplies and services; and

WHEREAS, The Marbletown Environment Conservation Commission has reviewed the three CCA implementation plans authorized by the Public Service Commission, and found that Joule's plan offers the greatest potential financial benefits and opportunities to reduce energy waste in the Town, and

WHEREAS, the Town of Marbletown seeks to engage the services of Joule as the CCA Administrator, to assist its efforts to better understand, educate the public and develop a program to enable a CCA; and

WHEREAS, there is no cost to retain Joule until after Joule has obtained and energy supply contract that is acceptable to the Town Board, and the Board is under no obligation to accept any contract it finds unacceptable, and

WHEREAS, Joule would be engaged by the Town of Marbletown as a provider of professional services requiring special and technical skills, expertise and knowledge, therefore the contract for these services is exempt from competitive bidding requirements contained in New York GML § 103;

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Marbletown hereby authorizes the Supervisor to execute the Municipal Energy Services Agreement with Joule Assets, Inc subject to the approval of the Town Attorney.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato	Voting <u>Absent</u>
Councilman Sweeney	Voting <u>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 Absent; Resolution #**68-2018** was thereupon adopted.

RESOLUTION#69- 2018; AUTHORIZING APPLICATION TO TOWN PLANNING BOARD FOR SUBDIVISION FOR PARKING FOR RAIL TRAIL ON REST PLAUS ROAD

The following Resolution was offered by Councilman Sweeney, seconded by Councilman LaFera:

WHEREAS, The Town of Marbletown and Harry Hansen are desirous of causing the transfer of land between both parties along Rest Plaus Road and the rail trail; and

WHEREAS, Medenbach and Eggers has prepared a proposed Subdivision map; and

WHEREAS, Pursuant to Town Law § 64-2, in relevant part, “a town may acquire by lease, purchase or eminent domain procedures and when real property is no longer needed for town purposes, a town board, upon adoption of a resolution subject permissive referendum, may convey real property”; and

WHEREAS, the town board wishes to exchange one equivalent parcel for another parcel with Harry Hansen to accommodate parking and a rest area for users of the rail trail; and

WHEREAS, Harry Hansen wishes to transfer a portion of his land .17+/- acres, out of SBL 69.4-1-37, to the town, to be used as a parking area in exchange for another parcel of equivalent size.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Marbletown hereby authorizes Tracy Kellogg or Medenbach and Eggers to make application to the town of Marbletown Planning Board to facilitate the subdivision of .18 +/- acres from SBL 70.9-2-12 as displayed on the attached draft plat plan dated August 23, 2018.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato	Voting <u>Absent</u>
Councilman Sweeney	Voting <u>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 Absent; Resolution #**69-2018** was thereupon adopted.

RESOLUTION # 70 -2018; TO APPLY FOR HUDSON RIVER VALLEY GREENWAY GRANT

The following Resolution was offered by Councilman LaFera, seconded by Councilman Stewart:

WHEREAS, the Town of Marbletown is applying to the Hudson River Valley Greenway for a grant under the Greenway Communities Grant Program for a project entitled High Falls Hamlet Plan in the Town of Marbletown, and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, be it resolved that the governing board of the Town of Marbletown hereby does approve and endorse the application for a grant under the Greenway Communities Grant Program, for a project known as High Falls Hamlet Plan and located within this community.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato Voting Absent

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye

4-0; 1 Absent; Resolution #70-2018 was thereupon adopted.

RESOLUTION#71- 2018; OPEN DEVELOPMENT AREA

The following Resolution was offered by Councilman LaFera, seconded by Councilman Stewart:

WHEREAS, Martin Fetner (the “Applicant”) has made application to the Marbletown Planning Board (the “MPB”) for approval of a three (3) lot subdivision of a parcel of land situate in a Town of Marbletown R – 1 Zoning District, approximately 18.90 acres +/- in size and located on the southeast side of Old Kings Highway (SBL: 69.4-1-20.110); and

WHEREAS, the Sketch Plan the Applicant has submitted to the MPB provides for access for each of the three (3) lots to be by way of a private road; and

WHEREAS, Marbletown Town Code § 200-28 reads, in relevant part, “[a]ll lots shall comply with all applicable provisions set forth in § 280-a of New York State Town Law; and

WHEREAS, New York State Town Law § 280-a (4) provides that in lieu of requiring direct access by each lot to a public road “[t]he town board may, by resolution, establish an open development area or areas within the town, wherein permits may be issued for the erection of structures to which access is given by right of way or easement, upon such conditions and subject to such limitations as may be prescribed by general or special rule of the planning board”; and

WHEREAS, New York State Town Law § 280-a (4) further provides that “the town board, before establishing any such open development area or areas, shall refer the matter to [the] planning board for its advice and shall allow such planning board a reasonable time to report.”.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Marbletown hereby refers to the MPB for its advice the issue as to whether or not the Town Board should declare the Applicant’s parcel (SBL: 69.4-1-20.110) to be an “open development area” within the meaning New York State Town Law § 280-a (4); and it is

FURTHER RESOLVED, that the Town Board of the Town of Marbletown hereby requests that the MPB submits its report to the Town Board within sixty (60) days or such other period of time the MPB considers to be reasonable.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato Voting Absent

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye
4-0; 1 Absent; Resolution #71-2018 was thereupon adopted.

LIASON REPORTS:

Councilman Stewart:

- Reported that the Historic Preservation Commission has passed a code of ethics for future projects.

OTHER TOWN BUSINESS:

- The last of the street lights will be replaced, which will be a savings of approximately \$3,400 a year.
- On October 9th from 6:00-8:30pm, at the RMC, there will be a community forum on Visions and Strategies for a Renewable Energy Future.

Motion to adjourn: There being no further discussion Supervisor Parete made the motion to adjourn the meeting, seconded by Councilman LaFera; 4-0 Aye, 1 absent, motion carried. The meeting adjourned at 10:20am.

Respectfully submitted,

Joyce Cain
Deputy Town Clerk/Tax Collector